

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DANIEL WILLIAMS,

Plaintiff,

v.

DECISION AND ORDER
13-CV-680A

DALE ARTUS, Superintendent,
E. MENDEZ, Correctional Sergeant,
THOMAS STICHT, Deputy Superintendent for Security,
EDWARD J. MEYER, Correctional Captain,
D. FERRON, Correctional Guard,
GARROW, Correctional Guard,
BARAN, Correctional Guard,
WINAGLE, Registered Nurse,
W. RIVERA, Mail Room Clerk,
D. POKIGO, Correctional Guard,
H. OBERTEAN, Physician Assistant, and
ALBERT PRACK, Director of Special Housing
Disciplinary Program,

Defendants.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 31, 2016, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 19), recommending that defendants' motion to dismiss (Dkt. No. 5) be granted in part, and denied in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants'

motion to dismiss is granted in part and denied in part.

The case is referred back to Magistrate Judge Foschio for further proceedings.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: July 18, 2016